IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3199 of 2005

Between:

M/s.Malani Printers, rep.by M.Inder Kumar, S/o.M.Jaganath,
R/o.C/o.6-1-119/5, C.Suryanarayana Rao,
Padmaraonagar, Secunderabad.

... PETITIONER

AND

1 The Authority under Minimum Wages Act-Cum-Assistant Commissioner of Labour -III, R.T.C, 'X' Roads, Chikkadapalli Hyderabad.

2 V.Narsing Rao, S/o.Lakshmanji,
R/o.Jiyaguda, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of certiorari after calling for records in relating to and in connection with the order dated 5-1-2005 passed in M.W.M.P.No.38 of 2004 of the 1st respondent and Assistant Commissioner of Labour-III, Hyderabad and quash the same, and pass such other order or orders as this Hon'ble court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.C.SRIDHAR

Counsel for the Respondent No.: GP FOR LABOUR

The Court made the following :

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ORDER:

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This writ petition is filed challenging the order passed by the 1st respondent in M.W.M.P.No.38 of 2004, dated 05-01-2005.

There was delay in filing the application under the Minimum Wages Act, 1948. The delay was condoned, as the applicants have explained the reasons in not filing the application within time.

The grievance of the petitioner is that without determining the employer and employee relationship, the learned authority came to the conclusion that the applicants have been denied the minimum rates of wages. Whether there exists any employee and employer relationship between the petitioner and the respondents has to be decided by the 1st respondent in M.W.No.01 of 2005. Since the case is numbered, the defences, which were raised in this writ petition, are left open. The authority shall dispose of the M.W.No.01 of 2005 basing on the evidence to be let in by both the parties.

Writ petition is disposed of accordingly. There shall be no order as to costs.

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23.02.2005

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vs

To

1 The Authority under Minimum Wages Act-Cum-Assistant Commissioner of Labour -

III, R.T.C, 'X' Roads, Chikkadapalli Hyderabad.
2 2 CCs to G.P for Labour, High Court Buildings, Hyderabad (OUT)

3. 2 CD copies.

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3199 of 2005

Dated: 23-02-2005

VS

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